

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

LAURA CRYSTAL MAXIE
401 Atlanta Avenue #54
Huntington Beach, CA 92648

Registered Nurse License No. 632158

Respondent

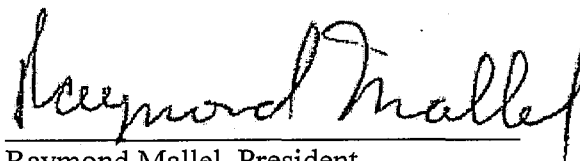
Case No. 2013-65

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **March 29, 2013.**

IT IS SO ORDERED **March 1, 2013.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 State Bar No. 101336
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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **LAURA CRYSTAL MAXIE**
14 **401 Atlanta Avenue #54**
Huntington Beach, CA 92648

15 **Registered Nurse License No. 632158**

16 Respondent.
17

Case No. 2013-65

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**

[Bus. & Prof. Code § 495]

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. LOUISE R. BAILEY, M.ED., RN (Complainant) is the Executive Officer of the
22 Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
24 Amanda Dodds, Senior Legal Analyst.

25 2. Respondent Laura Crystal Maxie is representing herself in this proceeding and has
26 chosen not to exercise her right to be represented by counsel.

27 3. On or about February 6, 2004, the Board of Registered Nursing issued Registered
28 Nurse License No. 632158 to Respondent. The Registered Nurse License was in full force and

1 effect at all times relevant to the charges brought in Accusation No. 2013-65 and will expire on
2 February 28, 2014, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 2013-65 was filed before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on July 19,
7 2012. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
8 Accusation No. 2013-65 is attached as Exhibit A and incorporated herein by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 2013-65. Respondent has also carefully read, and understands the effects of this
12 Stipulated Settlement and Disciplinary Order for Public Reapproval.

13 6. Respondent is fully aware of her legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
15 her own expense; the right to confront and cross-examine the witnesses against her; the right to
16 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
17 compel the attendance of witnesses and the production of documents; the right to reconsideration
18 and court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 2013-65.

25 9. Respondent agrees that her Registered Nurse License is subject to discipline and she
26 agrees to be bound by the Board of Registered Nursing (Board)'s Disciplinary Order below.

27 ///

28 ///

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Reprimand shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Reprimand, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary Order for Public Reprimand is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order for Public Reprimand may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 632158 issued to Laura Crystal Maxie shall, by way of letter from the Board's Executive Officer, be publicly reprimanded. The letter shall be in the same form as the letter attached as Exhibit B to this stipulation.


1 IT IS FURTHER ORDERED that Respondent shall pay \$745.00 to the Board for its costs
2 associated with the investigation and enforcement of this matter. Respondent shall be permitted
3 to pay these costs in a payment plan approved by the Board. If Respondent fails to pay the Board
4 costs as ordered, Respondent shall not be allowed to renew his Registered Nurse License until
5 Respondent pays costs in full.

6 **ACCEPTANCE**

7 I have carefully read the Stipulated Settlement and Disciplinary Order for Public Repeval.
8 I understand the stipulation and the effect it will have on my Registered Nurse License. I enter
9 into this Stipulated Settlement and Disciplinary Order for Public Repeval voluntarily,
10 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of
11 Registered Nursing.

12
13 DATED:

Oct 23, 2012


LAURA CRYSTAL MAXIE
Respondent

16 **ENDORSEMENT**

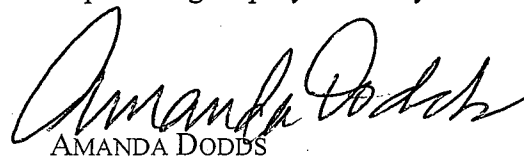
17 The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval is hereby
18 respectfully submitted for consideration by the Board of Registered Nursing of the Department of
19 Consumer Affairs.

20 Dated:

10/30/12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General



AMANDA DODDS
Senior Legal Analyst
Attorneys for Complainant

27 SD2012703716

Exhibit A

Accusation No. 2013-65

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2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 State Bar No. 101336
AMANDA DODDS
4 Senior Legal Analyst
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Attorneys for Complainant

9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-65**

13 **LAURA CRYSTAL MAXIE**
14 **930 Thomas Avenue, Apt. 10**
San Diego, CA 92109

A C C U S A T I O N

15 **Registered Nurse License No. 632158**

16 Respondent.

17
18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs.

24 2. On or about February 6, 2004, the Board of Registered Nursing issued Registered
25 Nurse License Number 632158 to Laura Crystal Maxie (Respondent). The Registered Nurse
26 License was in full force and effect at all times relevant to the charges brought herein and will
27 expire on February 28, 2014, unless renewed.

28 ///

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board

1 may inquire into the circumstances surrounding the commission of the crime in order
2 to fix the degree of discipline or to determine if the conviction is substantially related
to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"
4 and "registration."

5 9. Section 2761 of the Code states:

6 The board may take disciplinary action against a certified or licensed nurse or
7 deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the
following:

9

10 (f) Conviction of a felony or of any offense substantially related to the
11 qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof.

12

13 10. Section 2762 of the Code states:

14 In addition to other acts constituting unprofessional conduct within the meaning
15 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
licensed under this chapter to do any of the following:

16

17 (b) Use any controlled substance as defined in Division 10 (commencing with
18 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
19 dangerous or injurious to himself or herself, any other person, or the public or to the
extent that such use impairs his or her ability to conduct with safety to the public the
20 practice authorized by his or her license.

21 (c) Be convicted of a criminal offense involving the prescription, consumption,
or self-administration of any of the substances described in subdivisions (a) and (b) of
22 this section, or the possession of, or falsification of a record pertaining to, the
substances described in subdivision (a) of this section, in which event the record of
23 the conviction is conclusive evidence thereof.

24

25 11. Section 2765 of the Code states:

26 A plea or verdict of guilty or a conviction following a plea of nolo contendere
27 made to a charge substantially related to the qualifications, functions and duties of a
registered nurse is deemed to be a conviction within the meaning of this article. The
28 board may order the license or certificate suspended or revoked, or may decline to
issue a license or certificate, when the time for appeal has elapsed, or the judgment of

conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

13. California Code of Regulations, title 16, section 1445 states:

.....

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

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1 **COST RECOVERY**

2 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(February 3, 2012 Criminal Conviction for DUI on December 23, 2011)**

8 15. Respondent has subjected her license to disciplinary action under sections 490 and
9 2761, subdivision (f) of the Code in that she was convicted of a crime that is substantially related
10 to the qualifications, functions, and duties of a registered nurse. The circumstances are as
11 follows:

12 a. On or about February 3, 2012, in a criminal proceeding entitled *People of the*
13 *State of California v. Laura Crystal Maxie*, in San Diego County Superior Court, case number
14 CN301400, Respondent was convicted on her plea of guilty of violating Vehicle Code section
15 23152, subdivision (a), driving under the influence of alcohol, a misdemeanor. Respondent
16 admitted and the court found true the special allegation that Respondent's blood alcohol
17 concentration (BAC) was .20 percent, within the meaning of Vehicle Code section 23578. The
18 court dismissed an additional count of driving with a BAC of 0.08% or more (Veh. Code, §
19 23152(b)) pursuant to a plea agreement.

20 b. As a result of the conviction, on or about February 3, 2012, Respondent was
21 granted five years summary probation, and ordered to complete 100 hours of community service.
22 Respondent was further ordered to complete a First Conviction Program and a MADD Victim
23 Impact Panel, pay fees, fines, and restitution in the amount of \$1,952, and comply with standard
24 alcohol conditions.

25 c. The facts that led to the conviction are that on or about December 23, 2011, at
26 approximately 2:00 a.m., a California Highway Patrol (CHP) officer observed a vehicle driven by
27 Respondent weaving onto the shoulder of SR-78. The officer conducted a traffic stop. After
28 having Respondent exit her vehicle, the CHP officer immediately detected a strong odor of an

1 alcoholic beverage emitting from Respondent's breath, her eyes were glassy, her speech was slow
2 and slurred, she had an unsteady gait, and she swayed in a circular motion while standing.
3 Respondent submitted to a series of field sobriety tests which she was unable to perform as
4 explained and demonstrated by the officer. Respondent provided a breath sample which was
5 analyzed with a BAC of .201 percent. Respondent was arrested for driving under the influence of
6 alcohol.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct - Use of Alcohol in a Dangerous Manner)**

9 16. Respondent has subjected her registered nurse license to disciplinary action under
10 section 2762, subdivision (b) of the Code for unprofessional conduct in that on or about
11 December 23, 2011, as described in paragraph 15, above, Respondent used alcoholic beverages to
12 an extent or in a manner that was dangerous and injurious to herself, and to others in that she
13 operated a motor vehicle while significantly impaired.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct - Alcohol-Related Criminal Conviction)**

16 17. Respondent has subjected her registered nurse license to disciplinary action under
17 section 2762, subdivision (c) of the Code for unprofessional conduct in that on or about February
18 23, 2012, as described in paragraph 15, above, Respondent was convicted of an alcohol-related
19 criminal offense.

20 ///

21 ///

22 ///

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 632158, issued to Laura Crystal Maxie;
2. Ordering Laura Crystal Maxie to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: July 19, 2012

for Stacie Bern

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SD2012703716

Exhibit B

Letter of Public Reproval in Case No. 2013-65

Board of Registered Nursing
P O Box 944210, Sacramento, CA 94244-2100
P (916) 322-3350 | www.rn.ca.gov
Louise R. Bailey, M.ED., RN, Executive Officer



March 1, 2013

Laura Crystal Maxie
401 Atlanta Avenue #54
Huntington Beach, CA 92648

RE: LETTER OF PUBLIC REPROVAL
In the Matter of the Accusation Against:
Laura Crystal Maxie, Registered Nurse License No. 632158

Dear Ms. Maxie:

On July 19, 2012, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed an Accusation against your Registered Nurse License. The Accusation alleged that on the early morning of December 23, 2011, you were arrested by the California Highway Patrol after you were found driving under the influence of alcohol. As a result of the arrest, on February 3, 2012, you were convicted on your plea of guilty of violating Vehicle Code section 23152(a), driving under the influence of alcohol, and that your BAC was .20%.

You subjected your license to disciplinary action under sections 490 and 2761(f) of the Code in that you were convicted of a crime that is substantially related to the qualifications, functions, and duties of a registered nurse. You further subjected your registered nurse license to disciplinary action under section 2762(b) of the Code (using alcoholic beverages in a dangerous manner), and section 2762(c) of the Code (conviction of an alcohol-related criminal offense).

You provided proof of completing the court-ordered MADD Victim Impact Panel, twenty-five hours of volunteer service, and that you have been compliant with the court's First Conviction Program and payment of court fees and fines. You also provided a copy of your current employee evaluation, and letters of recommendation from current and former coworkers.

Taking into consideration these mitigating factors, and that there are other mitigating circumstances in this case that support the determination that you are safe to practice Registered Nursing, the Board has decided that the charges warrant a public reproof.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of Consumer Affairs issues this letter of public reproof.

Sincerely,

Louise R. Bailey, M.ED., RN
LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California